

Message Text

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S/S - MR. BORG

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L STATE 037914

FOR AMBASSADOR FROM SECRETARY

E.O. 11652: GDS

TAGS: CASC, MX

SUBJECT: U.S. PRISONERS IN MEXICO

1. FOLLOWING LETTER TO FOREIGN SECRETARY ROBLES SIGNED
FEB. 16 AND BEING POUCHED:

2. "DEAR MR. SECRETARY:

"I HAD BEEN HOPING TO MEET WITH YOU SOON AFTER YOUR
APPOINTMENT. NOW THAT I AM VISITING LATIN AMERICA AND WILL
NOT BE STOPPING IN MEXICO, THERE ARE A FEW MATTERS THAT I
HAD WANTED TO CONVEY TO YOU.

3. "FIRST, I AM PLEASED WITH THE ENCOURAGING REPORTS OF
THE PROGRESS OF THE OPIUM ERADICATION CAMPAIGN AND YOUR
PRESIDENT'S IMAGINATIVE PROPOSAL TO BROADEN OUR COOPERATIVE
EFFORTS ON NARCOTICS CONTROL AND DRUG ABUSE.

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4. "ANOTHER MATTER I WANTED TO DISCUSS IS A PROBLEM OF

INCREASING CONCERN TO ME AND TO MEMBERS OF THE UNITED STATES CONGRESS -- THE HANDLING AND TREATMENT OF UNITED STATES CITIZENS ARRESTED AND CONFINED IN JAIL IN MEXICO. MOST ARE CONFINED BECAUSE OF CHARGES OF TRAFFIC IN NARCOTICS.

5. "AS YOU KNOW, THE UNITED STATES HAS STRONGLY SUPPORTED AND CONTINUES TO SUPPORT OUR COOPERATIVE EFFORT IN THE VIGOROUS FIGHT AGAINST ILLEGAL NARCOTICS. THUS, I CERTAINLY HAVE NO QUARREL WITH THE FACT THAT U.S. CITIZENS PROPERLY CONVICTED OF DRUG CHARGES IN MEXICO WIND UP IN MEXICAN JAILS -- INDEED I BELIEVE THAT DRUG OFFENDERS, AND ALL OTHER CRIMINALS, SHOULD BE BROUGHT TO JUSTICE WHATEVER THEIR NATIONALITY MAY BE. WHAT CAUSES CONCERN, REPEATEDLY EXPRESSED BY INCREASING NUMBERS OF MEMBERS OF OUR CONGRESS, AND OTHER HIGH LEVELS OF OUR GOVERNMENT IS THAT THERE ARE MANY CASES OF IRREGULARITIES AND VIOLATIONS OF MEXICAN LAW AND CONSTITUTIONAL GUARANTEES, AND OF INTERNATIONAL STANDARDS, IN THE HANDLING OF U.S. PRISONERS IN MEXICO.

6. "SPECIFICALLY, WE HAVE BEEN HAVING DIFFICULTY IN RECEIVING TIMELY NOTIFICATION OF ARRESTS AND IN GAINING CONSULAR ACCESS TO THE PERSONS ARRESTED; THERE ARE NUMEROUS CASES IN WHICH OUR CITIZENS HAVE BEEN DETAINED WITHOUT SENTENCING FOR MORE THAN THE ONE YEAR SPECIFIED AS THE MAXIMUM UNDER MEXICAN LAW. THERE HAVE BEEN SERIOUS ALLEGATIONS OF PHYSICAL ABUSE, PARTICULARLY DURING PERIODS OF QUESTIONING SHORTLY AFTER ARREST AND PRIOR TO THE TIME A U.S. CONSULAR OFFICER IS PERMITTED TO SEE THE PRISONER. AMBASSADOR JOVA SENT THE GOVERNMENT OF MEXICO A NUMBER OF DIPLOMATIC NOTES EXPRESSING CONCERN ABOUT SPECIFIC INSTANCES OF SUCH IRREGULARITIES BUT HAS RECEIVED INTERIM RESPONSES TO ONLY A FEW.

7. I UNDERSTAND THAT AMBASSADOR JOVA HAS DISCUSSED THE GENERAL SUBJECT WITH YOU AND THAT HE HAS BEEN WORKING WITH ATTORNEY GENERAL OJEDA PAULLADA ON THIS PROBLEM. I DEEPLY APPRECIATE THE UNDERSTANDING ATTITUDE THE ATTORNEY GENERAL

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HAS SHOWN AND HIS EFFORTS TO ASSURE THAT CONSULAR OFFICIALS HAVE RAPID ACCESS TO U.S. CITIZENS WHO HAVE BEEN ARRESTED. I AM CERTAIN THAT HIS ATTITUDE AND HIS ACTIONS WILL SERVE TO HELP ALLEVIATE THE SITUATION. NONETHELESS, I AM ASKING FOR YOUR COOPERATION IN INVESTIGATING THE ALLEGATIONS NOTED HEREIN AND URGE YOU TO DO WHATEVER IS POSSIBLE TO ASSURE THAT ANY IRREGULARITIES OR ABUSES THAT ARE BEING COMMITTED ARE RAPIDLY CORRECTED.

8. "I WANT TO MAKE CLEAR, MR. SECRETARY, THAT I AM BY NO

MEANS INDICATING A DESIRE THAT U.S. CITIZENS ACCUSED OF
CRIMES IN MEXICO BE PERMITTED TO EVADE JUSTICE, NOR AM
I ASKING THAT THOSE CONVICTED OF CRIMES AND JAILED IN
MEXICO BE RELEASED EXCEPT AS PROVIDED BY LAW. I AM ASKING
ONLY FOR ASSURANCES THAT U.S. CITIZENS WHO ARE ACCUSED OR
CONVICTED OF CRIMES IN MEXICO RECEIVE THEIR FULL RIGHTS
UNDER MEXICAN LAW. MY STRONG FEELING THAT DRUG TRAFFIC
MUST BE STOPPED IS ACCOMPANIED BY AN EQUALLY STRONG FEELING
THAT THOSE WHO ARE CAUGHT, WHATEVER THE CRIMES WITH WHICH
THEY MAY BE CHARGED, MUST RECEIVE THEIR FULL HUMAN AND
LEGAL RIGHTS UNDER THE APPLICABLE LAWS. WARM REGARDS.
/S/ HENRY A. KISSINGER."

9. UPON RECEIPT PLEASE DELIVER, AND AS SOON AS POSSIBLE
THEREAFTER REINFORCE ORALLY OUR CONCERNS ON PROBLEM.
HOWEVER, IF THE FOREIGN SECRETARY IS IMMEDIATELY AVAILABLE,
THEN THE LETTER MAY BE DELIVERED PERSONALLY. INGERSOLL

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